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HILLERICH & BRADSBY CO.  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 MARK L. MCHUGH, an individual,  
13 Plaintiff,  
14 v.  
15 HILLERICH & BRADSBY COMPANY  
16 a private company,  
Defendant.

Case No. C 07-03677 JSW

**STIPULATION TO CONTINUE DATES  
FOR TUTORIAL AND CLAIM  
CONSTRUCTION HEARING**

19 HILLERICH & BRADSBY CO. d/b/a  
Louisville Slugger, a Kentucky corporation,  
20 Counterclaimant,  
21 v.  
22  
23 MARK L. MCHUGH, an individual,  
Counterclaim-Defendant.

**STIPULATION TO CONTINUE  
HEARING DATES**  
Case No. C 07-03677 JSWL

1 IT IS HEREBY STIPULATED AND AGREED by plaintiff Mark L. McHugh and  
 2 defendant Hillerich & Bradsby Co. ("H&B"), through their respective counsel, as follows:

3 WHEREAS, a claim construction tutorial is currently scheduled for August 19,  
 4 2008, and a claim construction hearing is set on August 26, 2008;

5 WHEREAS, serious legal and business issues have quickly and unexpectedly arisen  
 6 with H&B's primary Asian bat production facility, including product reliability,  
 7 regulatory, and safety considerations;

8 WHEREAS Steve Lyverse is H&B's General Counsel and sole in-house attorney,  
 9 as well as the company's most senior legal and financial executive who has continuously  
 10 been and remains responsible for these urgent issues that have arisen;

11 WHEREAS, as a result of his overseas travel to address these unanticipated issues,  
 12 Mr. Lyverse will be unavailable to attend the tutorial and claim construction hearings set  
 13 for August 19 and August 26, 2008;

14 WHEREAS, McHugh's counsel has agreed to accommodate H&B's request and to  
 15 stipulate to a continuance of the tutorial and claim construction hearing;

16 WHEREAS, counsel are unavailable for hearings on the following dates:  
 17 September 1-5, 15, and 22-29;

18 WHEREAS, the parties are also engaged in ongoing settlement discussions;

19 WHEREAS, H&B has not previously requested any continuance of the hearing  
 20 dates and the request is not made for purposes of delay;

21 IT IS HEREBY STIPULATED by the parties, through their counsel of record, that  
 22 the tutorial and claim construction hearing be continued to the Court's earliest available  
 23 hearing dates after September 8, 2008 (but excluding September 15 or 22-29).

24 McHugh's reply brief will be filed two weeks before the Claim Construction  
 25 Tutorial and H&B's claim construction brief will be filed four weeks before the Claim  
 26 Construction Tutorial.

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1 IT IS SO STIPULATED.  
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Dated: July18, 2008

LOEB & LOEB LLP  
LAURA A. WYTSMA  
ULESES C. HENDERSON, JR.

By /s/ Laura A. Wytsma  
Laura A. Wytsma  
Attorneys for Defendant  
HILLERICH & BRADSBY CO.

Dated: July 18, 2008

CARR & FERRELL LLP  
ROBERT J. YORIO  
V. RANDALL GARD  
CHRISTOPHER P. GREWE

By /s/ Robert J. Yorio  
Christopher P. Grewe  
Attorneys for Plaintiff  
MARK L. MCHUGH